THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.9827 of 2005

Date 07-09-2006

Between:
Shaik Akbar.

..... PETITIONER

AND

The Mandal Engineering Officer &others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.9827 of 2006

ORDER:

Heard the counsel.

This Writ Petition is filed seeking a Writ of Mandamus declaring the action in procurement of material and proposed planning to lay cement roads in the private patta lands situated in field No.136, Patta No.142, Sy.No.45-5D and Sy.No.46-3c, Patta No.240, owned by the petitioner at Sullurupeta, Nellore District, without issuing land acquisition notification as required under section 4(1) of the Land Acquisition Act though ryotwari patta was issued vide proceedings of the Board of Revenue (SE) Andhra State dated 16-11-1953, and to deprive him from getting compensation in which the proposed formation of roads was initiated, as illegal and arbitrary.

It is stated that the petitioner got issued legal notice dated 06-03-1990 to the second respondent stating that he had obtained injunction in I.A.No.848 of 1985 in O.S.No.275 of 1985 restraining one Gaddam Bala Krishna Reddy, who encroached into his land and accordingly, the second respondent removed the metal stakings in response to the said legal notice. It is further stated that this Court in W.P.No.22461 of 1998 directed payment of compensation to the petitioner herein by the respondents therein, who illegally resorted to initiate land acquisition proceedings for Ac.0-23 cents in private patta land of the petitioner in Sy.Nos.45/5B and 45/B. It is also stated that the respondents had prepared to form the cement roads in the lands owned by the petitioner in an extent of Ac.0-57 cents, of which, the market value is Rs.2,00,000/- as per the valuation report dated 07-

04-2005 of the Sub-Registrar, Sullurupeta, irrespective of the fact that the market value of the land more than Rs.5,00,000/- per cent/48.6 sq. yards, and that even the market value also now steeply raised from the date of valuation because of the industrial developments and satellite rocket center at Sriharikota and its township in Sullurupeta. In the said circumstances, the petitioner had approached this Court praying for appropriate directions.

Several factual details also had been narrated in relation thereto in the affidavit filed in support of the writ petition. It is needless to say that when roads are laid in private lands, respondents are expected to follow the procedure. In the light of the facts and circumstances, in the event of the roads not having been laid as on today, respondents to follow due process of law, and in the event of roads already had been laid, petitioner is at liberty to claim such compensation in relation to his lands on proof of his title and ownership to the said land, in accordance with law, if the petitioner had not received any such compensation earlier. The petitioner is at liberty to agitate all his rights inclusive of the quantum of compensation to be paid to him in accordance with the provisions of the Land Acquisition Act, if the petitioner is so advised.

Accordingly, the Writ Petition is disposed of. No costs.

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07-09-2006

usd